

## **Kentucky Intergovernmental Review Process**

### **Division for Air Quality – Open Burning Comments**

The project to which this comment is attached involves construction, renovation, demolition, or some other activity which might result in the accumulation of materials and/or debris which is subject to disposal. The Kentucky Division for Air Quality conditionally approves the proposed project, contingent upon conformance with open burning prohibitions. Open burning is generally prohibited and the information listed below provides guidelines on Kentucky's open burning regulations:

*Open burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.*

Kentucky Division for Air Quality Regulation 401 KAR 63:005 states that no person shall open burn. Fires may be set for the following purposes, provided that they do not violate any of the provisions of KRS Chapter 149, 150, 227, or any other law of the Commonwealth of Kentucky, including local ordinances:

- Noncommercial food preparation for human consumption.
- Recreational or ceremonial purposes.
- Comfort heating, providing excessive or unusual smoke is not created.
- Weed abatement, disease, and pest prevention.
- Prevention of a fire hazard, including the disposal of dangerous materials where no safe alternative is available.
- Bona fide instruction and training of public and industrial employees in the methods of fighting fires.
- Recognized agricultural, silvicultural, range, and wildlife management practices.
- Burning of leaves by individual homeowners except in cities with populations greater than 8,000.
- Disposal of household paper products, originating at dwellings of five (5) family units or less, which fires are maintained by an occupant of the dwelling at the dwelling, except in cities with populations greater than 8,000.
- Disposing of accidental spills leaks of crude oil, petroleum products or other organic materials, and the disposal of absorbent material used in their removal, where no other economically feasible means of disposal is available and practical and provided permission is obtained from the Cabinet prior to burning.
- Disposal of natural growth for land clearing, and trees and tree limbs felled by storms, provided that no extraneous material such as tires or heavy oil which tend to produce dense smoke are used to cause ignition or aid combustion and the burning is done on sunny days with mild winds. With respect to particulate matter, the emissions from such fires shall not be equal to or greater than 40% opacity.

The Division of Forestry advises that precautions be taken when open burning materials which can be burned. Burn only between 4:30pm and midnight, if you are within 150 feet of the woods during spring and fall fire hazard season (March 1 – May 15 & October 1 – December 15). During other months of the year, the Division for Air Quality however, advises to burn legal materials on sunny days with mild winds, in order to have conditions for good dispersion of the pollutants.

The environmental concerns relating to air quality include the toxic emissions from the combustion of asphaltic shingles, painted or treated wood, insulation on wiring, and synthetic materials such as carpeting, carpet pads, and upholstery: lead from lead based painted materials; and asbestos emissions from pipe lagging, transite siding shingles, or asbestos contained in asphaltic roofing shingles. Applicable air quality regulations include:

401 KAR 63:005	Open burning;
401 KAR 63:020	Potentially hazardous matter or toxic substances;
401 KAR 63:022	New or modified sources emitting toxic air pollutants;
401 KAR 57:011	Asbestos standards (NESHAP); and
401 KAR 63:042	Requirements for asbestos abatement entities.

Questions may be directed to the Division for Air Quality, Field Operations Branch, at 502-573-3382.